

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2013, LEGISLATIVE DAY NO. 4
February 19, 2013 6:00 P.M.

A. The meeting was called to order by Chairman Quirk at 6:02 P.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 50 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
VICKI ALMOND	SECOND DISTRICT
TODD HUFF	THIRD DISTRICT
KENNETH N. OLIVER	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilman Huff, seconded by Councilman Oliver, the reading of the Journal Entries for the meeting of February 4, 2013 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman states that the following Bills were passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bills 1-13 and 2-13.

D. INTRODUCTION OF BILLS

BILL 9-13, entitled An Act for the purpose of amending the 2012-2013 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Department of Human Resources.

BILL 10-13, entitled An Act for the purpose of amending the 2012-2013 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Energy Administration (MEA) EMPOWERing Clean Energy Communities Low to Moderate Income grant funds.

BILL 11-13, entitled An Act for the purpose of clarifying the applicability of certain regulation exemptions for certain properties in the C.T. District of Towson.

BILL 12-13, entitled An Act for the purpose of prohibiting panhandle lots in the Greenspring-East Pikesville area of the County in certain cases; and generally relating to panhandle lots.

BILL 13-13, entitled An Act for the purpose of requiring the Design Review Panel to review development plans for proposed nonresidential developments located in a certain portion of the Loch Raven Revitalization Area; and generally relating to the review of nonresidential development plans by the Design Review Panel.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 3-13, CEB - Office of Health Services (OHS) - Adult Day Care, was called. Joanne Williams appeared. Councilman Olszewski moved to amend this Bill with the following amendments:

On page 1, in the third line of the title, strike “Office of Health Services (OHS),”; and insert “Program” after the word Care.

On page 1, in the fourth line of the first WHEREAS clause, strike “Office of Health (OHS)”.

On page 2, in line 7, strike “OHS -”.

Councilman Oliver seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilwoman Bevins, Bill 3-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 4-13, Zoning Regs. - B.L. Zone - Permitted Uses, was called. Councilman Quirk commented then moved to amend this Bill with the following amendment:

On page 2, in line 23, after “SALES” insert “PROVIDED THAT THE RETAIL COMPONENT OF THE STORE FRONTS THE STREET”

Councilman Olszewski seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman Quirk, Bill 4-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 5-13, MD 43 Overlay District, was called. Andrea Van Arsdale appeared. Councilman Huff moved to amend this Bill with the following amendments:

On page 1, in the third line of the title, strike “Office of Health Services (OHS),”; and insert “Program” after the word Care.

1. On page 1, insert the following after the function paragraph:

“BY adding
Section 259.12.C.
Baltimore County Zoning Regulations, as amended”

2. On page 1, strike line 2 and strike lines 1 and 2 on page 2, and substitute the following:

“BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:”

3. On page 2, in line 8, after “overall tract of at least 800 acres” add “THAT, AS OF FEBRUARY 19, 2013, IS”.

4. On page 2, in line 18, strike the comma after “LAWS” and strike lines 19 through 21, and strike lines 1 through 3 on page 3, and substitute the following: “OR REGULATIONS GOVERNING DEVELOPMENT, INCLUDING HEIGHT, AREA, BULK, OR PARKING REQUIREMENTS. A WAIVER OR MODIFICATION MAY BE APPROVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS AFTER PUBLIC HEARING, SUBJECT TO A FINDING THAT THE REQUIREMENTS OF SECTION 502.1 ARE MET.”

5. On page 3, insert the following after line 3:

“Section 259.12 Application

C. THE MD 43 OVERLAY DISTRICT MAY ONLY BE APPLIED TO PROPERTY LOCATED WITH THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE, STUDY AREA.”

Councilman Oliver seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman Huff, Bill 5-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 6-13, Health Care Review Committee, was called. George Gay appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 7-13, Administrative Procedure - Retirement Matters, was called. Mike Field appeared. Councilmembers Almond and Quirk commented. Councilmembers Olszewski and Marks questioned Mr. Fields. Councilman Quirk then moved to amend this Bill with the following amendments:

On page 2, in line 8, strike “SHALL” and insert, “SHALL: (I)”, and in line 9, strike “NOVO” and substitute

“NOVO;

(II) HOLD THE HEARING NOT LESS THAN 45 DAYS AND NOT MORE THAN 60 DAYS AFTER THE APPEAL; AND

(III) ISSUE A FINAL DECISION WITHIN 15 DAYS AFTER THE CONCLUSION OF THE FINAL HEARING HELD.”

On page 4, in line 16, after “(6)”, insert (I) THE BOARD OF APPEALS HEARING SHALL TAKE PLACE NO LESS THAN 45 DAYS AND NO MORE THAN 60 DAYS AFTER THE DATE OF APPEAL.

(II) THE BOARD OF APPEALS SHALL:

1. CONCLUDE A CONTINUATION OF A HEARING WITHIN 30 DAYS AFTER THE FIRST HEARING DATE; AND

2. ISSUE THE BOARD'S ORDER WITHIN 15 DAYS AFTER THE CONCLUSION OF THE HEARING.

(7)".

Councilman Huff seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Huff, Oliver, Marks, Bevins, Olszewski

Nay - Almond

Councilman Huff then moved to amend this Bill with the following amendments:

On page 3, in lines 19 and 20, strike "MEMBER OR BENEFICIARY OR"

Councilman Olszewski seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Councilman Quirk then moved to amend this Bill with the following amendments:

1. On page 4, strike lines 2 and 3 and on page 5, strike line 9; in line 10, strike "SUBSECTION,".

2. On page 5, before line 5, insert "1. IS UNCONSTITUTIONAL;"; and before line 8, insert "3. RESULTS FROM AN UNLAWFUL PROCEDURE;"; and in lines 5, 8, 9, and 12, strike "1", "2", "3", and "4" respectively and insert "2", "4", "5", and "6" respectively.

Councilman Olszewski seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilwoman Bevins, Bill 7-13, as amended, passed by the following roll call vote:

Aye - Quirk, Huff, Oliver, Marks, Bevins, Olszewski
Nay - Almond

Bill 8-13, Zoning Regulations - Bail Bondsman Offices, was called. Councilman Marks moved to amend this Bill with the following amendments:

1. On page 1, in the short title, strike “Bail Bondsman Offices” and substitute “B.M.C.T. District of Towson”
2. On page 1, strike the purpose paragraph and substitute the following:
“FOR the purpose of establishing sign requirements for certain office buildings located in a certain part of the B.M.C.T. District of Towson; requiring compliance within a certain time; stating the intention of the Act; and generally relating to sign requirements for certain buildings in a part of the B.M.C.T. District of Towson.”
3. On page 1, strike “438” and substitute “235B.7.1.”
4. On page 2, before line 1, insert the following:

“WHEREAS, the East Towson Community Conservation Area was established as a part of the Towson Plan which was incorporated into the Baltimore County Master Plan on February 3, 1992 (Resolution 12-92); and

WHEREAS, the East Towson Community Conservation Area consists of a historic African American community that is the oldest existing community in Towson; and

WHEREAS, although this historic community enjoys many advantages due to its proximity to the central business district, conversely this proximity generates development pressures, traffic issues, signage blight, and other problems that often accompany such commercial encroachment; and

WHEREAS, the East Towson Community Conservation Plan was developed in order to achieve neighborhood stabilization, encourage the redevelopment of affordable infill housing, and provide adequate buffers and protection from the commercial encroachment of the Towson commercial core; and

WHEREAS, the purpose of this Act is to further the objective of the Plan to protect this historic residential community by placing certain requirements upon the signage allowed to be placed on residences that abut the Plan area and that have been converted to office buildings; now therefore”

5. On page 2, strike lines 3 through 6 and substitute the following:

“§235B.7.1. C.T. DISTRICT OF TOWSON - SIGNS.

THIS SECTION APPLIES TO A CLASS A OFFICE BUILDING IN THE B.M.C.T. DISTRICT OF TOWSON THAT IS LOCATED WITHIN 600 FEET OF THE EAST TOWSON COMMUNITY CONSERVATION AREA. THE FOLLOWING REQUIREMENTS APPLY:”

6. On page 2, strike lines 8 through 13; in line 14, strike “NOT”; after the period, insert “HOWEVER, THE HEIGHT OF THE SIGN MAY NOT EXCEED SIX FEET. IF THE SIGN IS MOUNTED ON A POLE, THE POLE SHALL BE ENCLOSED BY A BRICK OR MASONRY FOUNDATION, OR THE BASE OF THE POLE SHALL BE LANDSCAPED WITH PLANTINGS THAT SHIELD THE BASE FROM VIEW.”

7. On page 2, in lines 14, 15, and 16, strike “3”, “4” and “5”, respectively, and substitute “1”, “2” and “3”, respectively.

8. On page 2, in line 15, strike “NOT”; after the period, insert “HOWEVER, THE SIZE OF THE SIGN MAY NOT EXCEED FOUR SQUARE FEET.”

9. On page 2, strike lines 20 and 21, and strike lines 1 through 9 on page 3.

10. On page 3, in line 11, strike “ a bail bondsman office” and substitute “an office building”; in lines 12 and 13, strike “apply for a use permit as required by Section 438.2 and”; in line 13, strike “438.1” and substitute “235B.7.1.”

Councilman Oliver seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Thereafter, upon motion by Councilman Marks, seconded by Councilwoman Bevins, Bill 8-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

F. APPROVAL OF FISCAL MATTERS

The Chairman stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council's work session on February 12, 2013. The witnesses who testified at the work session were available to restate their testimony if needed. If a Councilmember had any questions regarding a particular Fiscal Matter, that item would be discussed as a separate matter. Chairman Quirk then called upon the Secretary to read the cover letters for Fiscal Matters 1 and 2.

1. BAT#13-04 - Contracts for the operation of County-funded homeless shelters - Planning

A budget appropriation transfer for the Department of Planning to be used to eliminate the budget shortfall currently existing for the contracts which fund the operation of the County-funded homeless shelters, for a four month period.

2. Contracts - (6) - Claims surveillance and Investigative services - Budget and Finance

Six contracts to provide claims surveillance and investigative services.

There being no discussion, upon motion by Councilman Huff, seconded by Councilman Oliver, Fiscal Matters 1 and 2 were unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chairman, the Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during January, 2013.

2. Res. 6-13 - Endorsement of an Application - Maryland Department of Housing Community Development

At the direction of the Chairman, the Secretary read this Resolution to endorse the filing of an application by the Baltimore County Department of Planning, Neighborhood Improvement Division. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.

3. Res. 7-13 - Property Tax Exemption - DAV - Sanford Vaughan

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Sanford Vaughan who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Huff, this Resolution was unanimously approved.

4. Res. 8-13 - Property Tax Exemption - DAV - Eric S. Jackson

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Eric S. Jackson who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Huff, this Resolution was unanimously approved.

5. Res. 9-13 - Property Tax Exemption - BLIND - John J. Clarke

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from John J. Clarke who is entitled to a partial exemption from State and County real property taxes by reason of the exemption afforded to blind persons under State law. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.

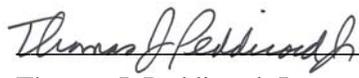
6. Res. 10-13 - Rules of Procedure - Baltimore County Council

This Resolution was for introduction only.

7. Res. 11-13 - Loch Raven Commercial Revitalization District

This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Huff, seconded by Councilwoman Bevins, the meeting adjourned at 6:26 P.M.


Thomas J. Peddicord, Jr.